

Appl. No. 09/597,196
Amendment and/or Response
Reply to Office action of 19 October 2004

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REMARKS / DISCUSSION OF ISSUES

Claims 5, 7, 9, 10, and 12-16 are pending in the application.

The Office action rejects:

claims 5 and 14-16 under 35 U.S.C. 103(a) over Applicant's Admitted Prior Art (AAPA) and Natsuno et al. (USP 2002/0265773, hereinafter Natsuno); and

claims 7, 9, 10, 12, and 13 under 35 U.S.C. 103(a) over AAPA, Natsuno and Killian (USP 6,163,316).

The applicant respectfully traverses this rejection, because Natsuno was filed after the filing date of this invention, and thus is not available as prior art to this invention.

The Examiner's attention is requested to MPEP 706.02(f)(1)(I)(C):

If the potential reference resulted from, or claimed the benefit of, an international application, the following must be determined:

(1) If the international application meets the following three conditions:

(a) an international filing date on or after November 29, 2000;

(b) designated the United States; and

(c) published under PCT Article 21(2) in English,

then the *international filing date is a U.S. filing date for prior art purposes* under 35 U.S.C. 102(e). (Emphasis added.)

This application was filed on 20 June 2000. Natsuno is an international patent application that has an international filing date of 30 May 2001, and thus is not prior art to this application.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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